Dated: August 18, 1995.

Dennis Grams,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart Q—Iowa

§52.820 [Amended]

2. Section 52.820 is amended by removing paragraph (c)(61).

[FR Doc. 95–21463 Filed 8–29–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[VA36–1–7064; FRL–5287–9]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia: Non-CTG Reasonably Available Control Technology for Philip Morris, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is conditionally approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision establishes and requires the use of reasonably available control technology (RACT) to control volatile organic compound (VOC) emissions from the Philip Morris, Inc. (Philip Morris), Manufacturing Center in the Richmond, Virginia nonattainment area. The intended effect of this action is to approve the SIP revision on the condition that deficiencies in the Consent Order and Agreement (the Order) establishing RACT for Philip Morris are corrected and submitted within one year of this approval. If the State fails to meet this condition, this approval will convert to a disapproval. This action is being taken under section 110 of the Clean Air Act (CAA).

EFFECTIVE DATE: This final rule is effective on September 29, 1995.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, 23219.

FOR FURTHER INFORMATION CONTACT: Kathleen Henry, (215) 597–0545.

SUPPLEMENTARY INFORMATION: On April 7, 1995 (60 FR 17746), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Virginia. The NPR proposed conditional approval of a SIP revision consisting of a Consent Order and Agreement (the Order) between the Department of Environmental Quality (DEQ) of the Commonwealth of Virginia and Philip Morris, establishing RACT for the Philip Morris Manufacturing Center in Richmond, Virginia. The NPR proposed conditional approval based on the Commonwealth revising the Order according to the options identified in the NPR and resubmitting it to EPA within one year of the final conditional approval. No comments were recieved on the NPR. The formal SIP revision was submitted by the Commonwealth on September 28, 1994.

EPA notes that if the Commonwealth fails to meet the conditions of this approval action, the EPA Regional Administrator will directly make a finding, by letter, that the conditional approval is converted to a disapproval and the clock for imposition of sanctions under section 179(a) of the CAA will start as of the date of the letter. Subsequently, a document will be published in the **Federal Register** announcing that the SIP revision has been disapproved.

Specific requirements of the Order and the rationale for EPA's action are explained in the NPR and will not be restated here.

Final Action

Pursuant to section 110(k)(4) of the CAA, EPA is conditionally approving the Virginia SIP revision for the Philip Morris Manufacturing Center, based on certain contingencies. In order to be approvable, the Consent Order and Agreement with Philip Morris, Inc., must be revised in one of the following ways and resubmitted to EPA within one year of this final conditional approval: (1) Eliminate the exemption to use non-ethanol-based flavorings in lieu of add-on controls; (2) restrict the applicability of the exemption to the use of non-VOC based flavorings; or (3) impose monitoring and reporting requirements sufficient to determine net increases or decreases in emissions on a mass basis relative to the emissions that would have occurred using add-on controls on an average not to exceed thirty days.

If Virginia fails to revise and resubmit the Order to EPA within one year of the final conditional approval, the approval will convert to a disapproval.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed/promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this conditional approval action of the SIP revision establishing RACT for the Philip Morris Manufacturing Center in Richmond, Virginia, must be filed in the United States Court of Appeals for the appropriate circuit by October 30, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: August 16, 1995.

W. Michael McCabe,

Regional Administrator, Region III.

Chapter I, title 40, of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart VV—Virginia

2. Section 52.2450 is added to read as follows:

§ 52.2450 Conditional approval.

Virginia's September 28, 1994 SIP submittal of a Consent Order and Agreement (Order) between the Department of Environmental Quality of the Commonwealth of Virginia and Philip Morris, Inc. establishing reasonably available control technology (RACT) for the Manufacturing Center located in Richmond, Virginia is conditionally approved based on certain contingencies. The condition for approval is to revise and resubmit the Order as a SIP revision within one year of September 29, 1995 according to one of the following: Eliminate the exemption to use non-ethanol-based flavorings in lieu of add-on controls; restrict the applicability of the exemption to the use of non-VOC based flavorings; or impose monitoring and reporting requirements sufficient to determine net increases or decreases in emissions on a mass basis relative to the emissions that would have occurred using add-on controls on an average not to exceed thirty days.

[FR Doc. 95–21504 Filed 8–29–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Parts 52 and 81

[ME–19–1–6668a; A–1–FRL–5273–5]

Approval and Promulgation of Air Quality Implementation Plans—Maine; Redesignation to Attainment and PM_{10} Contingency Measures for Presque Isle

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is fully approving Maine's request to redesignate the Presque Isle area to attainment for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}), along a maintenance demonstration and contingency plans which outline Maine's control strategy for maintenance of the PM_{10} national ambient air quality standards (NAAQS). EPA is also approving a State Implementation Plan (SIP) revision submitted by the State of Maine to satisfy federal requirements for contingency measures for the Presque Isle initial nonattainment area. This action is being taken under the Clean Air Act.

DATES: This final rule is effective October 30, 1995, unless notice is received by September 29, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Susan Studlien, Acting Director, Air, Pesticides and Toxics Management Division, EPA-New England, JFK Federal Building (AAA), Boston, MA 02203–2211. Copies of the documents relevant to this action are available for public inspection by appointment during normal business hours at the Air, Pesticides and Toxics Management Division, EPA-New England, One Congress Street, 10th floor, Boston, MA; Air and Radiation Docket and Information Center, US Environmental Protection Agency, 401 M Street, SW (LE–131), Washington, DC 20460; and the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333.

FOR FURTHER INFORMATION CONTACT: Matthew B. Cairns, (617) 565–4982.

SUPPLEMENTARY INFORMATION:

Background

Part D, Subparts 1 and 4 of Title I of the Clean Air Act Amendments of 1990 (hereafter referred to as ''the Act'') set out air quality planning requirements for moderate PM_{10} nonattainment areas. The EPA has issued a ''General Preamble'' describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under Title I of the Act, including those State submittals containing moderate PM_{10} nonattainment area SIP requirements. [See, generally, 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992).] Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in this approval and the supporting rationale.

By November 15, 1991, States containing initial moderate PM_{10} nonattainment areas were required to submit most elements of their PM_{10} SIP. [See §§ 172(c), 188, and 189 of the Act.] Some provisions were due at a later date. For example, such States also must submit contingency measures by November 15, 1993, which become effective without further action by the State or EPA upon a determination by EPA that the area has failed to achieve RFP or to attain the PM_{10} NAAQS by the applicable statutory deadline. [See § 172(c)(9) and 57 FR 13543–44.]

In order for an area to be redesignated as attainment, the State must meet the following conditions listed in § 107(d)(3)(E) of the Act:

(i) The EPA has determined that the NAAQS have been attained.

(ii) The applicable implementation plan has been fully approved by EPA under § 110(k).

(iii) The EPA has determined that the improvement in air quality is due to permanent and enforceable reductions in emissions.

(iv) The State has met all applicable requirements for the area under § 110(k) and Part D.

(v) The EPA has fully approved a maintenance plan, including a contingency plan, for the area under § 175A.

EPA guidance titled ''Procedures for Processing Requests to Redesignate Areas to Attainment'' (September 4, 1992 memorandum from AQMD Director John Calcagni) outlines how to assess the adequacy of redesignation requests against the conditions listed above.

Summary of Maine's SIP Revision and Redesignation Request for Presque Isle

On January 12, 1995, EPA approved Maine's PM_{10} Attainment Plan (60 FR 2885) for Presque Isle. However, on January 26, 1994, EPA had notified Maine of ''a finding of failure to submit'' contingency measures for PM_{10}, which were due by November 15, 1993. According to EPA guidance titled ''Contingency Measure Due Date for Initial PM_{10} Moderate Nonattainment Areas'' (February 25, 1992 memo from Calcagni), states were not obligated to submit contingency measures until EPA established a due date for their submittal. On April 16, 1992 EPA gave States until November 15, 1993 to submit required contingency measures. (See General Preamble at 57 FR 13543 footnote 26.) Although the due date for contingency measures had passed by the